

**RULES
OF
DEPARTMENT OF AGRICULTURE
DIVISION OF PLANT INDUSTRIES**

**CHAPTER 0080-6-16
REGULATIONS GOVERNING USE OF
RESTRICTED USE PESTICIDES**

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0080-6-16-.01 GENERAL.

- (1) The Commissioner of Agriculture determines that the use and application of restricted use pesticides may affect public health and environment.
- (2) To use, buy or sell restricted use pesticides, an individual must be certified by the Commissioner or hold a valid pest control operator's license or act under the direct supervision of a licensee or certificate holder.

Authority: T.C.A. §62-2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977.

0080-6-16-.02 DEFINITIONS.

- (1) CATEGORY - means an area of certification for which commercial applicators are qualified. Commercial applicators must be certified in one or more of these areas.
- (2) CERTIFIED APPLICATOR - means any individual who is certified by the Commissioner of Agriculture as authorized to use, buy, sell or supervise the use of restricted use pesticides.
- (3) COMMERCIAL APPLICATOR - means a person who uses or supervises the use of, sells or buys restricted use pesticides for any purpose, or for use on any property other than as defined under Private Applicator or Commercial Pest Control Operator.
- (4) COMMERCIAL PEST CONTROL OPERATOR - means an individual who uses, supervises the use of, buys or sells restricted use pesticides for the purpose of engaging in custom application.
- (5) CUSTOM APPLICATION - means the application of pesticides for a fee.
- (6) PRIVATE APPLICATOR - means an individual who uses, supervises the use of or buys any pesticide which is classified for restricted use for purposes of producing an agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.
- (7) RESTRICTED USE PESTICIDE - means any pesticide classified for restricted use by the Commissioner of Agriculture.
- (8) SUBCATEGORY - means an area of certification for commercial pest control operators.

(Rule 0080-6-16-.02, continued)

- (9) **UNDER THE DIRECT SUPERVISION** - means any application or sale of a pesticide by a competent person acting under the instructions and control of an applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied or sold.

Authority: T.C.A. §62-2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977.

0080-6-16-.03 CERTIFICATION REQUIREMENTS.

(1) **REQUIREMENTS FOR CERTIFICATION AS A PRIVATE APPLICATOR.**

- (a) Successfully complete a specialized training session provided by the University of Tennessee Extension Service teaching the proper use of restricted use pesticides.
- (b) Be certified to use restricted use pesticides in any other state having comparable certification requirements.
- (c) If one meets the requirements of certification then that certification expires on October 21, four years after the October 21 following original certification.

(2) **REQUIREMENTS FOR CERTIFICATION AS A COMMERCIAL APPLICATOR.**

- (a) Pass a written examination on general knowledge of pesticides, offered by the Tennessee Department of Agriculture. This examination entails pest identification, application techniques, safety in handling, mixing, and applying pesticides, environmental hazards in using pesticides, knowledge and responsibilities under Tennessee and Federal Statutes and regulations, and labels and labeling comprehension.

Pass a specific written examination in the category in which applicant desires to be certified, or

- (b) Be certified to use restricted use pesticides in any other state having comparable certification requirements.
- (c) If one meets the requirements of certification as a commercial applicator then that certification expires on October 21, four years after the October 21 following original certification.

(3) **REQUIREMENTS FOR CERTIFICATION AS A COMMERCIAL PEST CONTROL OPERATOR.**

- (a) Anyone who charges a fee for custom application as a Commercial Pest Operator must hold a valid pest control operator's license.
- (b) Any person desiring to be licensed as a Pest Control Operator must meet the requirements of T.C.A.. Section 62-2101 et seq.
- (c) Original certification expires at the end of five (5) years.

(4) **CATEGORIES AND SUBCATEGORIES IN WHICH COMMERCIAL APPLICATORS AND COMMERCIAL CONTROL OPERATORS ARE CERTIFIED.**

- (a) **Agricultural Pest Control**

- 1. **Description** -This category includes commercial applicators using or supervising the use of restricted use pesticides in production of agricultural crops, including without limiting

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the foregoing, tobacco, peanuts, cotton, feed grains, soybeans and forage; small fruits, tree fruits and nuts, as well as on grasslands and non-crop agricultural land.

2. Standards of Competency-Applicators must demonstrate a practical knowledge of the crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extension areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, re-entry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of restricted use pesticides in agricultural areas.
3. Subcategories
 - (i) Weed Control-Agricultural
 - (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticides in the control of plants, whether woody or herbaceous, by the application generally classed as herbicides to planted and/or cultivated crops or to land otherwise used in agricultural production.
 - (II) Standards of Competency-Applicators shall demonstrate practical and technical knowledge of all types of weeds encountered in the production of agricultural crops and formulations of pesticides used in their control. They must also demonstrate a practical knowledge of the time, placement, soil types, type of crops being treated and at the same time provide maximum protection for the environment around the area being treated.
 - (ii) Agricultural-Ground Equipment
 - (I) Description-This subcategory includes commercial pest control operators using or supervising the use of pesticides in the control of insects, fungi, bacteria, and weeds in the production of agricultural crops. Agricultural fumigation is excluded from this category.
 - (II) Standards of Competency-Applicators must demonstrate practical and technical knowledge of the crops grown and the specific pests of those crops on which they may be using pesticides. Their competency must be demonstrated in type and quantity of pesticide needed to control the various pests encountered. Practical knowledge is required in run-off or drift problems and the environmental contamination that could occur.
 - (iii) Fumigation-Agricultural
 - (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticide fumigants in the control of soil pests in the production of agricultural crops.
 - (II) Standards of Competency-Applicators shall demonstrate practical and technical knowledge of fumigants used in the fumigation of agricultural soils, the type of pests being controlled, such as weeds, fungi, insects, bacteria, and nematodes. They must also demonstrate practical knowledge of time and placement of applications, types of safety equipment necessary to

(Rule 0080-6-16-.03, continued)

protect those involved in application and the residual effect fumigants may have on the crop being treated.

(b) Forest Pest Control

1. Description-This category includes commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.
2. Standards of Competency-Applicators shall demonstrate practical knowledge of the types of forests, forest nurseries, and seed production in this State and the pests involved. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basic for programming pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects on wildlife. Knowledge of proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

(c) Ornamental and Turf Pest Control

1. Description-This category includes commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.
2. Standards of Competency-Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of application methods which will minimize or prevent hazards to humans, pets, and other animals.
3. Subcategories
 - (i) Lawn and Turf Maintenance
 - (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticides for the control of pests of turf such as that found in lawns, golf greens, athletic fields and the like.
 - (II) Standards of Competency-Applicators shall demonstrate practical and technical knowledge of pesticide problems associated with the production and maintenance of lawn and turf. Due to close proximity of other plant materials and human habitation to application activities, applicators in this category must demonstrate practical knowledge of application methods which minimize or prevent hazards to plants, humans, pets, and other domestic animals.
 - (ii) Horticultural

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- (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticides for the control of pests and diseases of shrubs, trees (including fruit trees) and the like, encountered in pest control services on the grounds of clubs, institutions, residences, orchards, etc.
 - (II) Standards of Competency-Applicators must demonstrate practical and technical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, and other herbaceous plants (including fruit trees) in and around buildings, parks, orchards, and plant nurseries. Because of the frequent proximity of humans during application activities, applicators must demonstrate in this category practical knowledge of application methods which will minimize or prevent hazards to humans, pets, and other animals.
- (d) Seed Treatment
 - 1. Description-This category includes commercial applicators using or supervising the use of restricted use pesticides on seeds.
 - 2. Standards of Competency-Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.
- (e) Aquatic Pest Control
 - 1. Description-This category includes commercial applicators using or supervising the use of restricted use pesticides in aquatic environments.
 - 2. Standards of Competency-Applicators shall demonstrate practical knowledge of the secondary effects, which can be caused by improper application rates, incorrect formulations, and faulty application, of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects and other organisms, which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited area application.
- (f) Right-of-Way Pest Control
 - 1. Description-This category includes commercial applicators using or supervising the use of restricted use pesticides in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas.
 - 2. Standards of Competency-Applicators shall demonstrate practical knowledge of a wide variety of environments since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems of runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities in the adjacent areas and communities.

(Rule 0080-6-16-.03, continued)

3. Subcategories

(i) Weed Control-Right-of-Way and Industrial

- (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticides for the control of plants, whether wood or herbaceous, to industrial sights and rights-of-way such as, but not limited to highways, transmission lines, drainage ditches, etc. These chemicals may be desiccants, defoliants, growth regulators, soil sterilizing agents, and the like.
- (II) Standards of Competency-Applicators must demonstrate practical and technical knowledge of a wide variety of environments since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate knowledge of herbicides used in weed control around industrial sites and rights-of-way. They shall demonstrate knowledge on runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of herbicides such as how they kill plants and the impact of their application activities in the adjacent areas and communities.

(g) Industrial. Institutional. Structural and Health Related Pest Control

- 1. Description-This category includes commercial applicators using or supervising the use of restricted use pesticides in, on, around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private; and for the protection of stored, processed, or manufactured products.
- 2. Standards of Competency - Applicators must demonstrate a practical knowledge of a wide variety of pests including their life cycles, types of formulations appropriate for their control and methods of application that avoid contamination of food, damage and contamination of habitat and exposure of people and pets. Since human exposure, including babies, children, pregnant women, and elderly people, is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. Because health related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions particularly related- to this activity.

3. Subcategories

(i) Wood Destroying Organisms

- (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticides for the control of termites, various wood borers, carpenter bees, carpenter ants, and decay without regard to the type or use or structure involved. Control of silverfish, mealworms. roaches, etc., which may damage wood or wood products infrequently, are not included in this subcategory.
- (II) Standards of Competency-Applicators must demonstrate practical and technical knowledge of pests that destroy wood and wood products, their life cycles, types of damage, and the type of pesticide formulations used in their control. Since there are human and animal exposure during and after

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treatment, they must demonstrate practical knowledge in the use and placement of pesticides in and around structures to protect humans, other animals and the environment.

(ii) General Pest Control and Product Control (Household and Commercial)

- (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticides to control those pests encountered in or about residences (homes, apartments, etc.) and commercial operations (stores, motels, office buildings, etc.) This subcategory does not include those pests specifically included in other subcategories, such as bird control or termite control.
- (II) Standards of Competency-Applicators in this category must demonstrate practical and technical knowledge of a wide variety of pests including life cycles, living habits, and the types and kind of food they desire. Since these applications will be made in homes and all types of commercial buildings, where humans, pets, and foods are involved, applicators must know how to make application of pesticides to control these pests and at the same time provide maximum protection to people, pets, food, and their environment.

(iii) General Pest Control and Rodent Control (Non-restricted)

- (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticide to control those vertebrate or invertebrate pests encountered in or about industrial, manufacturing, or processing plants, dumps, warehouses, institutions, hospitals, schools, residences, stores, motels, office buildings, or such other operations as may be subject to regulatory practices from such agencies as the U.S. Food and Drug Administration, the U.S. Department of Agriculture or the Interstate Commerce Commission. This category does not include those pests specifically covered by other categories such as termite control, weed control, bird control, etc.
- (II) Standards of Competency-Applicators must demonstrate practical and technical knowledge of a wide variety of pests including their life cycles, living habits, the types of formulations appropriate for their control and methods of application that will avoid contamination of food, habitat, and exposure of people and pets. Since these pests are encountered in or about residences (homes and apartments, etc.), industrial, manufacturing, or processing plants, dumps, warehouses, institutions, hospitals, schools, and areas around these buildings, applicators must demonstrate a practical knowledge of the placement of pesticides so as to provide maximum protection for the environment and at the same time control their pests.

(iv) Fumigation-Non-restricted

- (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticide fumigants in the control of structural pests and pests found in all types of buildings, ships, boxcars, trailers, and other additional sites other than agricultural land.
- (II) Standards of Competency-Applicators shall demonstrate practical and technical knowledge of the application of all types of fumigants used in industrial, manufacturing, or processing plants, warehouses, institutions,

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food storage areas, ships, boxcars, and other structures where pest may occur. They shall also demonstrate practical knowledge of the necessary equipment for application, safety equipment for the protection of the applicator, and the protection for those areas around the site being fumigated. Since many foods are involved, applicators must demonstrate his or her knowledge of using the proper fumigant to kill the target pest and at the same time not contaminate foods and other products that may be used for human and other animal consumption.

(v) Fumigation-Structural and Commercial

- (I) Description- This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticide fumigants in the control of structural pests and pests found in and commercial buildings.
- (II) Standards of Competency-Applicators must demonstrate practical and technical knowledge in the application of fumigants and the effects it has on the control of structural pests and pests found in commercial buildings. They shall also demonstrate practical knowledge of the necessary application equipment, safety equipment necessary to protect the applicator and protecting the area around the site being fumigated. Since food and fiber is often encountered in warehousing areas, the applicator must demonstrate practical knowledge of the type of fumigants that can be used safely and not contaminate food and fiber used for human or other animal consumption.

(vi) Bird Control

- (I) Description-This subcategory includes commercial pest control operators using or supervising the use of restricted use pesticides for the control of pest birds.
- (II) Standards of Competency-Applicators shall demonstrate practical and technical knowledge in the identification of protected and non-protected species, types of control measures. both chemical and mechanical devices and the habitat where birds live. Applicators shall also demonstrate practical knowledge of how pesticides used in bird control affects the environment. This is very important in bird control since most bird roosts occur in wooded and urban areas near their food supply.

(vii) Consulting Entomologist

- (I) Description -This subcategory includes commercial pest control operators offering consulting services with reference to insect pests and other entomological problems. Licensing in this subcategory does not authorize the performance of control work.
- (II) Standards of Competency-He or she must demonstrate practical knowledge of insect pests and the problems they may create wherever infestations occur. He or she must demonstrate practical knowledge of insect life cycles, control measures, stages in life cycles in which control is best achieved quantities of pesticides needed to effectively control the pests involved, and how the use of pesticides may or may not affect the environment.

(h) Public Health Pest Control

(Rule 0080-6-16-.03, continued)

1. Description - This category includes all governmental employees and commercial applicators who use or supervise the use of pesticides in public health programs or in the commercial application of pesticides for the management and control of pests having medical and public health importance.
2. Standards of Competency - Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests is involved, and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal, and drainage.

(i) Demonstration and Research and Regulatory Pest Control

1. Description - This category includes State, Federal, or other governmental employees who use or supervise the use of restricted use pesticides in the control of regulated pests. This category also includes: (1) individuals who demonstrate to the public the proper use and techniques of application of restricted use pesticides or supervise such demonstration, and (2) persons conducting field research with pesticides, and in doing so, use or supervise the use of restricted use pesticides.

Included in the first group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs.

The second group includes: State, Federal, commercial and other persons conducting field research on or utilizing restricted use pesticides.

2. Standards of Competency - Persons demonstrating the safe and effective use of pesticides to other applicators and the public will be expected to meet comprehensive standards reflecting a broad spectrum of pesticide uses. Many different pest problem situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods.

Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulations of pests, and the potential impact on the environments of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties since their services are frequently in other areas of the country where emergency measures are invoked to control regulated pests, and where individual judgments must be made in new situations.

(j) Wood Preservatives

1. Description - In general, it is expected that applicators of this category possess a practical knowledge of the specific standards required for categories (a) through (I) above applicable to their particular activity. In addition, they shall meet the specific standards required for categories (a) through (i) of this section as may be applicable to that particular activity.

(Rule 0080-6-16-.03, continued)

2. Standards of Competency - Producers and applicators shall demonstrate practical and technical knowledge of wood preservatives. They should demonstrate knowledge in the type of pests being controlled. They must also demonstrate practical knowledge in the methods of applying the preservatives to wood. Applicators should have a knowledge of types of safety equipment necessary to protect those involved in the application as well as the after effects of application to plants, humans, pets, and other domestic animals.

(k) Pesticide Dealers

1. Description -This category is for persons who are engaged in wholesale or retail sales of restricted use pesticides. Each dealer location selling restricted use pesticides must have a certified dealer at that location. Each certified dealer shall be responsible for the actions of every person who acts as the dealer's employee or agent in the sale of restricted use pesticides.
2. Standards of Competency - Persons would demonstrate the practical knowledge to advise applicators and the public on the safe and effective use of pesticides. They shall also be expected to meet comprehensive standards reflecting a broad knowledge of pesticide uses. They shall also demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods.

(l) Antifouling Marine Paint

1. Description - This category includes commercial applicators using or supervising the use of restricted use antifouling marine paints.
2. Standards of Competency - Applicators shall demonstrate practical knowledge of TBT product labels and understand why they are classified as RUP. Applicators shall demonstrate a knowledge of the health and environmental hazards associated with the use of antifouling paints. They shall demonstrate practical knowledge of the application and testing equipment and have knowledge of the need and use of personal protective equipment. In addition, applicators will demonstrate knowledge of proper storage, handling, transport. and disposal including disposal of excess material, waste, and containers.

(m) Microbial Pest Control

1. Description - This category includes commercial applicators using or supervising the use of antimicrobial agents to control microorganisms (bacteria, fungi, algae and viruses) in cooling towers and swimming pools.
2. Standards of Competency - Applicators shall demonstrate practical knowledge of antimicrobial agents in the control of bacteria, fungi., algae and viruses. Applicators shall demonstrate a knowledge of the health and environmental hazards associated with the use of antimicrobial agents in cooling towers and swimming pools. They shall demonstrate practical knowledge of the application and testing equipment and have knowledge of the need and use of personal protective equipment. They shall also demonstrate knowledge of proper storage, handling, transport and disposal including disposal of excess material, waste and containers.

(n) Trainer, Worker Protection Standard

1. Description - This category includes private and commercial applicators who train workers and handlers of pesticides. The trainer must be able to teach all the subjects required in the

(Rule 0080-6-16-.03, continued)

Standards of Competency (below). Trainers must be able to train pesticide handlers, workers, and early-entry workers.

- (i) Pesticide handlers include those who (1) are employed (including self-employed) for any type of compensation by an agricultural establishment or a commercial pesticide handling establishment that uses pesticides in the production of agricultural plants on a farm, forest, nursery, or greenhouse; and (2) are doing any of the following tasks: mixing, loading, transferring or applying pesticides; handling opened containers of pesticides; acting as a flagger, cleaning, handling, adjusting, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues; assisting with the application of pesticides, including incorporating the pesticide into the soil after the application has occurred, entering a greenhouse or other enclosed area after application of pesticides; entering a treated outdoor area after application of any soil fumigant to adjust or remove soil coverings, performing tasks as a crop advisor; and disposing of pesticides or pesticide containers.
 - (ii) Workers include those who (1) are employed (including self-employed) for any type of compensation and (2) are doing tasks such as harvesting, weeding, or watering relating to the production of agricultural plants on a farm, forest, nursery or greenhouse.
 - (iii) Early-entry workers include those who enter treated areas prior to the expiration of a restricted entry interval and come in contact with anything that has been treated with a pesticide, including soil, water, air and plant surfaces in three work situations: (1) short-term tasks that last less than one (1) hour and do not involve hand labor, (2) tasks that are necessary because of an agricultural emergency, and (3) specific tasks approved by the Environmental Protection Agency through a formal exception process.
2. Standards of Competency - Any person seeking certification in this category must be certified as a commercial or private applicator in Tennessee.
- (i) A trainer shall be able to present general pesticide information to workers either orally, from written materials, or audiovisually in a manner that the workers can understand (such as through a translator). The trainer shall also be able to respond to workers questions. The pesticide safety training materials must include, at a minimum, the following subjects: (1) Format and meaning of information contained on pesticide labels and in labeling, (2) Hazards of pesticides resulting from toxicity and exposure. (3) Routes through which pesticides can enter the body, (4) Signs and symptoms of common types of pesticide poisoning, (5) Emergency first aid for pesticide injuries or poisoning, (6) How to obtain emergency medical care, (7) Routine and emergency decontamination procedures, including eye flushing, (8) Hazards from chemigation and drift, (9) Hazards from pesticide residues on clothing, (10) Warnings about taking pesticides or containers home. (11) Precautions to reduce the risks of illness or injury resulting from workers occupational exposure to pesticides including application and entry restrictions, the design of the warning sign, posting of warning signs, oral warnings. the availability of specific information about applications, and the protection against retaliatory acts.
 - (ii) A trainer shall be able to present general pesticide information to handlers either orally, from written materials. or audiovisually in a manner that the handlers can understand. The trainer shall also be able to respond to handlers questions. The pesticide safety training materials Must include, at a minimum, the following

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subjects: (1) Format and meaning of information contained on pesticide labels and in labeling, (2) Hazards of pesticides resulting from toxicity or exposure, (3) Routes through which pesticides can enter the body, (4) Signs and symptoms of common types of pesticide poisoning, (5) Emergency first aid for pesticide injuries or poisoning, (6) How to obtain emergency medical care, (7) Routine and emergency decontamination procedures, (8) Need for and appropriate use of personal protective equipment, (9) Prevention, recognition, and first aid treatment of heat-related illness, (10) Safety requirements for handling, transporting storing, and disposing of pesticides, including general procedures for spill cleanup, (11) Environmental concerns such as drift, runoff, and wildlife hazards, (12) Warnings about taking pesticides or pesticide containers home, and (13) Requirements that must be followed by the handlers' employers for the protection of handlers and other persons, including (a) the prohibition against applying pesticides in a manner that will cause contact with workers or other persons, (b) the requirement to use personal protective equipment, (c) the provisions for training an decontamination, and (d) protection against retaliatory acts.

- (iii) A trainer shall be able to present general pesticide information to early entry workers either orally, from written materials, or audiovisually in a manner that the early-entry workers can understand. The trainer shall also be able to respond to early-entry workers questions. The pesticide safety training materials must include, at a minimum, the same information that must be taught to workers and, in addition, the trainer must instruct early-entry workers (1) how to put on, use, and take off early-entry personal protective equipment (PPE) correctly, (2) the importance of washing thoroughly after removing PPE, (3) how to prevent, recognize, and give first aid for heat stress, and (4) when and what kind of decontamination site must be provided to early-entry workers.

- 3. Those who are certified as trainers must keep a roster of names and addresses of those who the trainer personally trained.

Authority: T.C.A. §§43-8-106 and 62-21-118. **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977. Amendment filed April 26, 1994; effective August 28, 1994. Amendment filed October 28, 2002; effective February 28, 2003.

0080-6-16-.04 RECERTIFICATION REQUIREMENTS.

- (1) After original certification expires, to use, apply, supervise, sell or buy restricted use pesticides, or be a certified technician, one must be recertified.
- (2) Requirements for Recertification
 - (a) Private Applicator - Successfully complete an instructional course offered by the University of Tennessee Extension Service within the last two years of the current certification period.
 - (b) Restricted Use Applicator
 - 1. Acquire a specified number of points during the current certification period. Points will be awarded for attending conferences, programs, seminars, etc., which will present information pertinent to the individual's certification category. The sponsors of the meetings awarding the recertification points must send a copy of the program to the Tennessee Department of Agriculture, and it must meet guidelines approved by the Department, or

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2. Pass updated written examination. These requirements must be completed with every fifth licensing year.

Authority: T.C.A. §§43-8-106, 62-21-118, and 62-2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977. Amendment filed October 26, 1988; effective December 10, 1988. Amendment filed October 28, 2002; effective February 28, 2003.

0080-6-16-.05 RECORDS.

- (1) All commercial applicators and commercial pest control operators shall keep true and accurate records and retain such for a period of two (2) years and make these available on demand to the Commissioner of Agriculture or his designee.
- (2) These records must show:
 - (a) Pesticide used.
 - (b) Target pest.
 - (c) What crop, plant, house, business or building pesticide is applied on or to and location thereof.
 - (d) Dosage rate.
 - (e) The landowner, producer or other person employing such applicator.
 - (f) Date used.
 - (g) Amount of pesticide applied.

Authority: T.C.A. §62-2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977.

0080-6-16-.06 DENIAL, SUSPENSION OR REVOCATION OF CERTIFICATION. The Commissioner of Agriculture may revoke, suspend, or deny certification or licenses after proper hearing as a contested case under the “Administrative Procedures Act” (T.C.A. 4-514), for violation of any statute, rule or regulation concerning the use, purchase or sale of pesticides.

Authority: T.C.A. §62-2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977.

0080-6-16-.07 USE OF RESTRICTED USE PESTICIDES.

- (1) No one may use or buy a restricted use pesticide unless certified as a Private Applicator or a Commercial Applicator, or unless licensed as a Commercial Pest Control Operator by the Commissioner of Agriculture.
- (2) No person shall use a pesticide in a manner inconsistent with its labeling.
- (3) No person shall act as a private applicator unless he is certified as such by the Commissioner of Agriculture.
- (4) No person shall act as a commercial applicator unless certified by the Commissioner of Agriculture as such and he may only act in the category in which he is certified.

(Rule 0080-6-16-.07, continued)

- (5) No person shall act as a Commercial Pest Control Operator unless he holds a valid Pest Control Operators license and may only act in the subcategory which he is licensed.

Authority: T.C.A. §62-2120(4). **Administrative History:** Original rule filed October 7, 1977.

0080-6-16-.08 EXEMPTIONS. Individuals licensed under T.C.A. 43-2901 et seq. are exempt from the provisions of these regulations while engaged in the commercial aerial application of pesticides.

Authority: T.C.A. §62--2120(4). **Administrative History:** Original rule filed October 7, 1977; effective November 7, 1977.

0080-6-16-.09 CIVIL FINE SCHEDULE. Pursuant to the provisions of T.C.A. 4-3-204(b), the following shall be the minimum and maximum amounts to be imposed as civil penalties for violations of the "Tennessee Insecticide, Fungicide and Rodenticide Act".

(1)	LABEL VIOLATIONS	MINIMUM	MAXIMUM
(a)	Lacks Signal Word and/or Caution: Keep Out of Reach of Children		
	1. Toxicity Level-Danger	\$150.00	\$500.00
	2. Toxicity Level-Warning	125.00	500.00
	3. Toxicity Level-Caution	100.00	500.00
(b)	Lacks Required Precautionary Labeling.	MINIMUM	MAXIMUM
	1. Adverse Effects-Probable	\$250.00	\$500.00
	2. Adverse Effects-Unknown	200.00	500.00
	3. Adverse Effects-Not Probable	100.00	500.00
(c)	Deficient Precautionary Statements: Lacks Symbols and/or Statements.		
	1. Highly Toxic Material	\$250.00	\$500.00
(d)	Deficient Precautionary Statements: Lacks Symbols and/or Statements.		
	1. Toxicity Level-Danger	\$150.00	\$500.00
	2. Toxicity Level-Warning	125.00	500.00
	3. Toxicity Level-Caution	100.00	500.00
(e)	Unwarranted Statements With Respect to Product Safety.		
	1. False or Misleading Safety Claim.		
	(i) Adverse Effects - Probable	\$200.00	\$500.00
	(ii) Adverse Effects - Unknown	175.00	500.00
	(iii) Adverse Effects - Not Probable	150.00	500.00
	2. Claims Differ From Those Accepted in Connection With Product Registration		
	(i) Claims Unacceptable	\$200.00	\$500.00
	(ii) Claims Acceptable	175.00	500.00
	(iii) Economic Fraud	150.00	500.00
(f)	Directions For use.		

(Rule 0080-6-16-.09, continued)

1. Inadequate Directions.			
(i)	Likely to result in misuse and/or mishandling	\$250.00	\$500.00
(ii)	Likelihood of misuse and/or mishandling unknown	200.00	500.00
(iii)	Not likely to result in misuse and/or mishandling	150.00	500.00
(iv)	Result in illegal residues	200.00	500.00
2. Directions For Use Differ From Those Accepted In Connection With Product Registration			
(i)	Mishandling and/or misuse - likely	\$250.00	\$500.00
(ii)	Likelihood of mishandling and/or misuse – Unknown	200.00	500.00
(iii)	Likelihood of mishandling and/or misuse - Not Likely	150.00	500.00
(g) Defective Ingredient Statement			
1. Totally Lacking.			
(i)	Toxicity Level - Danger	\$250.00	\$500.00
(ii)	Toxicity Level - Warning	200.00	500.00
(iii)	Toxicity Level - Caution	150.00	500.00
2. Formulation Differs (supported by chemical analysis)			
		MINIMUM	MAXIMUM
(i)	Adverse Effects - Probable	\$250.00	\$500.00
(ii)	Adverse Effects - Unknown	200.00	500.00
(iii)	Adverse Effects - Not Probable	150.00	500.00
(h)	Failure To Bear Required Statement Of Net Weight Or Content	\$50.00	\$500.00
(i)	Failure To Bear Name And Address Of Producer, Registrant Or Person For Whom Manufactured	\$50.00	\$500.00
(j) Labeling Is Detached, Altered, Defaced Or Destroyed.			
1.	Adverse Effects - Probable	\$150.00	\$500.00
2.	Adverse Effects - Unknown	100.00	500.00
3.	Adverse Effects - Not Probable	75.00	500.00
(k)	Ingredient Statement Absent On Immediate Container	\$250.00	\$500.00
(l)	Ingredient Statement Does Not Appear On Front Panel Of Immediate Container		\$50.00
(m)	Label Does Not Bear A Registration Number Or Established Number		\$50.00
(n)	Net Weight Not Stated On Label		\$50.00
(o)	Label Does Not Bear Name, Brand, Trademark Under Which Product Was Sold		\$50.00
(2)	FORMULATION VIOLATIONS	MINIMUM	MAXIMUM
(a) Chemical Deficiencies.			

(Rule 0080-6-16-.09, continued)

1.	Adverse Effects - Probable	\$250.00	\$500.00
2.	Adverse Effects - Unknown	200.00	500.00
3.	Adverse Effects - Not Probable	150.00	500.00
(b) Net Weight.			
1.	Not stated on label	\$50.00	\$500.00
2.	Less than stated on label	50.00	500.00
(c) Chemical Contamination.			
1.	Significant levels	\$250.00	\$500.00
2.	Trace levels	175.00	500.00
(d) Highly Over Formulated.			
		MINIMUM	MAXIMUM
1.	Adverse Effects- Probable	\$250.00	\$500.00
2.	Adverse Effects-Unknown	200.00	500.00
3.	Adverse Effects- Not Probable	150.00	500.00
(3) USE VIOLATIONS			
(a) Use Or Disposal Of A Pesticide In A Manner Inconsistent With Its Labeling.			
1.	Adverse Effects-Probable	\$250.00	\$500.00
2.	Adverse Effects-Unknown	200.00	500.00
3.	Adverse Effects-Not Probable	150.00	500.00
(b) Violation of Stop Sale, Use Or Removal Order			
		\$300.00	\$500.00
(c) Chemical Contamination.			
1.	Significant levels	\$250.00	\$500.00
2.	Trace levels	175.00	500.00
(4) RECORDS, BOOKS, DOCUMENTATION			
(a) Failure to Maintain As Required By TIFRA And FIFRA			
		\$250.00	\$500.00
(b) Failure To Produce For Inspection			
		\$250.00	\$500.00

Authority: T.C.A. §§4-3-204 and 43-8-107. **Administrative History:** Original rule filed April 28, 1992; effective June 12, 1992.